

**D. REMARKS****Status of the Claims**

Claims 1-7, 9-16, 18-25, and 27 are currently present in the Application, and claims 1, 10, and 19 are independent claims. Claims 1, 10, and 19 have been amended, claims 8, 17, and 26 have been cancelled, and no claims have been added.

**Examiner Interview**

Applicants note with appreciation the telephonic interview conducted between Applicants' representative, the Examiner, and the Primary Examiner on January 18, 2006. During the telephonic interview, the Examiner, the Primary Examiner, and Applicants' representative discussed one of the 103 references (Suzuoki et al., U.S. Patent No. 6,526,491). In particular, Applicants' representative and the Examiner discussed that Suzuoki does not teach or suggest the limitation included in Applicants' claim 8 of "processing the data block further using one of the first processors." The Examiner agreed that including the limitation of claim 8 into Applicants' independent claims would position Applicants' independent claims to read over Suzuoki. Applicants' have included such amendment in this response. The Examiner wished to review other art, however, before agreeing that Applicants' independent claims are allowable.

**Objections to Specification**

The specification is objected to due to various typographical errors. Applicants have amended the specification in this response, and request removal of the objection to the specification.

**Objections to Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference number 5010, which is mentioned in the description on page 57 of the specification. Applicants have amended the drawings accordingly and have provided a replacement sheet with this response. Therefore, Applicants request removal of the objection to the drawings.

**Claim Rejections - Alleged Obviousness Under 35 U.S.C. § 103**

Claims 1-6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuoki et al. (U.S. Patent No. 6,526,491, hereinafter "Suzuoki") and an admission of prior art by Applicants. Applicants respectfully traverse these rejections.

Applicants' assume that the Office Action's rejection on page 5, item 10, also rejects Applicants' claims 10-15, 17, 19-24, and 26, which are information handling claims and computer program product claims including the same limitations as Applicants' method claims 1-6 and 8. Limitations included in claims 8, 17, and 26 have been incorporated into their respective independent claims in this response. In turn, claims 8, 17, and 26 have been canceled, and the rejection to these claims is moot.

Applicants' independent claims as amended are directed to a system and method of handling data using a plurality of processors with limitations including:

- dividing a common memory, accessible to one or more first processors and to one or more secondary processors, into a plurality of data blocks using one of the first processors, the one

or more first processors and the one or more second processors being chosen from a group of heterogeneous processors;

- identifying an available processor from the secondary processors to process one of the data blocks;
- processing the data block using the available secondary processor; and
- processing the data block further using one of the first processors.

Applicants have amended claim 1 to include original claim 8's limitation of "processing the data block further using one of the first processors." This limitation claims that a first processor processes the data block after the secondary processor processes the data block (shown at step 4670 in Applicants' Figure 46). In contrast, the Office Action's reference to Suzuki discloses a first processor processing an apulet (program) before sending the apulet to the secondary processor for execution. Specifically, the Suzuki excerpt states:

"In step 2410, the PU evaluates the apulet and then designates an APU for processing the apulet." (col. 18, lines 31-32, emphasis added)

As can be seen from the above excerpt and as agreed upon by the Examiner, Suzuki does not teach or suggest "processing the data block further using one of the first processors" as claimed by Applicants. The Office Action does not suggest that Applicants' admission of prior art teaches such limitation, and indeed it does not. Therefore, since neither Suzuki nor Applicants' admission of prior art teach or suggest, in whole or in combination with each other, all of the limitations of Applicants' claim 1 as amended, amended claim 1 is allowable over the art of record. Claim 10 as amended is an information handling claim including the same limitations of claim 1 and,

therefore, is allowable for the same reasons as amended claim 1 is allowable. Claim 19 as amended is a computer program product claim including the same limitations of amended claim 1 and, therefore, is allowable for the same reasons as amended claim 1 is allowable.

Each of the remaining claims 2-6, 11-15, and 20-24 each depend, either directly or indirectly, upon one of the allowable independent claims 1, 10, and 19. Therefore, claims 2-6, 11-15, and 20-24 are each allowable for the same reasons as their respective independent claims.

Claims 7, 16, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuoki and an admission of prior art by Applicants, and further in view of Lee et al. (U.S. Patent No. 6,128,724, hereinafter "Lee"). Applicants respectfully traverse these rejections.

Claims 7, 16, and 25 each depend, directly or indirectly, upon one of the allowable independent claims 1, 10, and 19 as discussed above. Therefore, claims 7, 16, and 25 are each allowable for the same reasons as their respective independent claims.

Claims 9, 18, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuoki and an admission of prior art by Applicants, and further in view of Proch et al. (U.S. Patent No. 6,381,659, hereinafter "Proch"). Applicants respectfully traverse these rejections.

Claims 9, 18, and 27 each depend, directly or indirectly, upon one of the allowable independent claims 1, 10, and 19 as discussed above. Therefore, claims 7, 16, and 25 are each

allowable for the same reasons as their respective independent claims.

**Provisional Claim Rejections - Nonstatutory Double Patenting**

Claims 1-5, 7-8, 10-17, 19, and 25 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-9, 12-17, and 20 of co-pending application number 10/670,837.

In order to expedite the allowance of Applicants' application, Applicants' attorney has included a terminal disclaimer with this response, and therefore request removal of the provisional double patenting rejection.

**Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By Leslie A. Van Leeuwen  
Leslie A. Van Leeuwen, Reg. No. 42,196  
Van Leeuwen & Van Leeuwen  
Attorneys for Applicant  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742